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SURFACE RIGHTS BOARD

19TH ANNUAL REPORT

1990

Alberta
SURFACE RIGHTS BOARD

92-00166/

The Honourable Shirley McClellan
Associate Minister of Agriculture
Room 126, Legislature Building
EDMONTON, Alberta
T5K 2B6

Madam:

I have the privilege to submit to you the Nineteenth Annual Report of the Surface Rights Board for the calendar year of 1990.

Your Board has continued the policy of making ourselves available to the public or any organization.

This year we were requested by the Canadian Association of Petroleum Landmen to put on a seminar on the operations and procedures of the Board. We are hopeful that this will be an annual event and will assist those in the field and in support positions by enabling them to be more efficient. We have also continued our meetings with the Farmer's Advocate and members of the agriculture, petroleum and power industries, as well as the general public.

The number of applications for right of entry has fallen to an average of 1.7% (Statement 12) of the total number of Well Licences issued by the ERCB. Also, the total number of Orders has fallen by approximately 20% which is encouraging and indicates stability in the marketplace.

The number of Orders issued in 1990 totalled 2737, the breakdown of which is as follows:

Right of Entry:	Mineral Recovery	60
	Power Transmission Lines	8
	Pipelines	131
	Coal	0
	SUBTOTAL	199
Compensation		138
Termination		93
Rescission		9
Amending		1142
Order Determining Costs		5
Partial Termination		20
Termination of P.U.B. Order		11
Varying Rate of Compensation		522
Varying Rate of Compensation and Amending		598
TOTAL		2737

Attached also is Chart Number 12 indicating the number and type of applications filed with the Board compared to the number and type of licences issued by the ERCB. We have included percentages where meaningful.

Respectfully submitted.

C. J. (Cec) Purves
Chairman

STATEMENT 1

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1990

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	9	13	22
Received during the year	26	53	79
	35	66	101
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	10	29	39
- settled independently of Board	4	8	12
No Right of Entry granted			
- application withdrawn	6	3	9
- settled privately	4	4	8
	24	44	68
APPLICATIONS OUTSTANDING:	11	22	33

STATEMENT 2

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR PIPELINES
dealt with in 1990

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	6	49	55
Received during the year	41	93	134
	47	142	189
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	36	48	84
- settled independently of Board	4	26	30
No Right of Entry granted			
- application withdrawn	3	1	4
- settled privately	0	13	13
	43	88	131
APPLICATIONS OUTSTANDING:	4	54	58

STATEMENT 3

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR RIGHT OF ENTRY FOR POWER TRANSMISSION LINES dealt with in 1990

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	0	1	1
Received during the year	6	2	8
	6	3	9
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	6	1	7
- settled independently of Board	0	1	1
No Right of Entry granted			
- application withdrawn	0	0	0
- settled privately	0	0	0
	6	2	8
APPLICATIONS OUTSTANDING:	0	1	1

STATEMENT 4

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR ALL APPLICATIONS FOR RIGHT OF ENTRY dealt with in 1990

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	15	63	78
Received during the year	73	148	221
	88	211	299
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	52	78	130
- settled independently of Board	8	35	43
No Right of Entry granted			
- application withdrawn	9	4	13
- settled privately	4	17	21
	73	134	207
APPLICATIONS OUTSTANDING:	15	77	92

STATEMENT 5

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION OF RIGHT OF ENTRY IN FULL
dealt with in 1990

APPLICATIONS RECEIVED:	
Carried over from previous year	5
Received during the year	100
	105
APPLICATIONS DISPOSED OF:	
Request for termination granted	102
Request for termination withdrawn	0
	102
APPLICATIONS OUTSTANDING:	3

STATEMENT 6

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1990

APPLICATIONS RECEIVED:	
Carried over from previous year	1
Received during the year	22
	23
APPLICATIONS DISPOSED OF:	
Request for termination in part granted	22
Request for termination in part withdrawn	0
	22
APPLICATIONS OUTSTANDING:	1

STATEMENT 7

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 27 OF THE SURFACE RIGHTS ACT
dealt with in 1990

APPLICATIONS RECEIVED:

Carried over from previous year	62
Received during the year	83
	145

APPLICATIONS DISPOSED OF:

Heard and compensation determined	65
Settled independently of Board	35
Withdrawn	2
Rejected - lack of jurisdiction	1
	103

APPLICATIONS OUTSTANDING: 42

SURFACE RIGHTS BOARD

SUMMARY OF SETTLEMENTS OF DISPUTES PURSUANT TO SECTION 33 OF THE SURFACE RIGHTS ACT dealt with in 1990

APPLICATIONS RECEIVED:

Carried over from previous year	4
Received during the year	4
	8

APPLICATIONS DISPOSED OF:

Heard and compensation determined	6
Settled independently of Board	1
Withdrawn	0
Rejected - lack of jurisdiction	0
	7

APPLICATIONS OUTSTANDING: 1

SURFACE RIGHTS BOARD

SUMMARY OF ALL APPLICATIONS FOR RECOVERY OF RENTAL PURSUANT TO SECTION 39 OF THE SURFACE RIGHTS ACT dealt with in 1990

APPLICATIONS RECEIVED:	
Carried over from previous year	35
Received during the year	137
	172
APPLICATIONS DISPOSED OF:	
Completed:	
Paid by Provincial Treasurer	94
Paid by Operator	32
Rejected - lack of jurisdiction	5
Discontinued	1
	132
APPLICATIONS OUTSTANDING:	40

STATEMENT 10

SURFACE RIGHTS BOARD

SUMMARY OF BOARD HEARINGS DURING 1990

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
NO. OF APPLICATIONS SCHEDULED	34	33	29	37	36	25	40	30	32	46	22	14	378
NO. OF APPLICATIONS RESCHEDULED	4	2	4	1	2	1	2	10	4	2	1	7	40
NO. OF APPLICATIONS SETTLED	14	6	7	16	9	9	13	3	16	13	6	0	112
NO. OF APPLICATIONS ADJOURNED	1	1	4	0	0	1	1	0	1	0	1	0	10
NO. OF APPLICATIONS POSTPONED	0	0	0	0	0	4	0	0	0	0	1	1	6
TOTALS	19	9	15	17	11	15	16	13	21	15	9	8	168
NO. OF APPLICATIONS HEARD AND COMPLETED													
Mineral Recovery	5	5	2	7	1	3	3	4	2	3	3	4	42
Pipelines	5	19	1	7	16	5	7	5	2	16	3	1	87
Power Transmission Lines	0	0	6	0	0	0	0	0	1	0	0	0	7
Objections	0	0	0	0	0	0	0	0	0	0	0	0	0
Damages	1	0	0	2	0	1	1	1	0	5	0	0	11
Reviews	4	0	2	4	5	1	13	4	3	5	6	1	48
Costs	0	0	0	0	0	0	0	0	0	1	0	0	1
Inquiries	0	0	1	0	3	0	0	3	3	0	1	0	11
Coal Mines	0	0	0	0	0	0	0	0	0	0	0	0	0
Expropriation	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	2	0	0	0	0	0	0	1	0	0	3
TOTALS	15	24	14	20	25	10	24	17	11	31	13	6	210

STATEMENT 11

SURFACE RIGHTS BOARD

1990 APPEALS

Outstanding appeals prior to year end of 1984	2
Outstanding appeals filed in the year of 1985	3
Outstanding appeals filed in the year of 1986	3
Outstanding appeals filed in the year of 1987	24
Outstanding appeals filed in the year of 1988	7
Outstanding appeals filed in the year of 1989	7
Appeals received during the year of 1990	23
TOTAL APPEALS CARRIED OVER AND RECEIVED DURING 1990	69
LESS: Appeals Abandoned, Settled or Withdrawn in 1990	
On appeals filed in the year of 1986	3
On appeals filed in the year of 1988	2
On appeals filed in the year of 1989	1
SUBTOTAL	6
LESS: Court action in 1990	
Heard: Board's award upheld or confirmed	
On appeals filed in the year of 1989	5
Heard: Board's award decreased	
On appeals filed in the year of 1987	24
SUBTOTAL	29
TOTAL APPEALS OUTSTANDING AT 1990 YEAR END	34

SURFACE RIGHTS BOARD

NUMBER OF E.R.C.B. PERMITS AND WELL LICENCES
COMPARED
TO SURFACE RIGHTS BOARD APPLICATIONS

1990	E.R.C.B.	SURFACE RIGHTS BOARD	PERCENTAGE
Well Licences	4,774	79	1.7
Pipeline Permits	2,122	134	6.3
1989			
Well Licences	4,500	141	3.1
Pipeline Permits	1,898	139	7.3
1988			
Well Licences	7,163	167	2.3
Pipeline Permits	2,106	148	7.0
1987			
Well Licences	5,426	192	3.5
Pipeline Permits	1,991	109	5.4
1986			
Well Licences	4,620	141	3.1
Pipeline Permits	2,095	173	8.2
1985			
Well Licences	8,763	409	4.7
Pipeline Permits	2,127	272	12.8

The E.R.C.B. processes approximately 100 applications per year in their Hydro and Power Line Divisions, but these include many applications for changes to existing structures such as substations, so a meaningful comparison to Surface Rights Board applications is not possible.